

Application No. : 09/848,903
Applicant : David L. Tennent
 Joseph M. Whalen
Filed : May 4, 2001
Art Unit : 1731
Examiner : Christopher A. Fiorilla

Confirmation No. 8715

Docket No. : SP01-116
Customer No. : 22928

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER MPEP §710.06 TO RESET PERIOD FOR REPLY DUE TO
LATE RECEIPT OF AN OFFICE ACTION**

Applicants hereby petition under MPEP §710.06 that the shortened statutory period for reply to the Office Action dated April 8, 2003, be reset to three months from July 18, 2003. A first copy of the Office Action received via facsimile at the correspondence address associated with customer number 22928 on July 18, 2003, is attached.

This petition is being filed within two weeks of the date of receipt of the Office Action via facsimile at the correspondence address. The three-month shortened statutory period for reply had elapsed as of the receipt date of the Office Action.

The application was originally filed with a Power of Attorney by Assignee that assigned power of attorney to practitioners associated with Corning Incorporated (customer number 22928) and the law firm of Rosenthal & Osha (customer number 22511). The Power of Attorney by Assignee also included instruction to direct all correspondences to the law firm of Rosenthal & Osha at the address associated with Customer Number 22511.

A Change of Correspondence Address changing the correspondence address in the case to the address associated with customer number 22928 (Corning Incorporated) was filed on November 9, 2001.

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A Revocation of Original Power of Attorney and New Grant of Power of Attorney revoking all powers previously granted in the case and assigning new powers to practitioners at Coming Incorporated and the undersigned was filed on November 13, 2001.

Despite the Revocation of Original Power of Attorney and New Grant of Power of Attorney filed on November 13, 2001, and the Change of Correspondence Address filed on November 9, 2001, the U.S. Patent and Trademark Office (USPTO) mailed an Office Action dated December 24, 2002, to the law firm of Rosenthal & Osha. The law firm of Rosenthal & Osha forwarded the Office Action dated December 24, 2002, to the undersigned in a letter dated January 2, 2003.

Upon receiving the Office Action dated December 24, 2002, from the law firm of Rosenthal & Osha, the undersigned promptly contacted the USPTO to determine the correspondence address currently on record for the application. After determining that the correspondence address had not been changed as requested on November 9, 2001, the undersigned subsequently resent a copy of the Revocation of Original Power of Attorney and New Grant of Power of Attorney previously filed on November 13, 2001, and the Change of Correspondence address previously filed on November 9, 2001, to the attention of Brenda Murphy at the USPTO on February 5, 2003.

On July 14, 2003, the undersigned became aware of the issuance of the Office Action dated April 28, 2003, through the PAIR system.

On July 15, 2003, during a telephone inquiry to Steven P. Griffin, the Supervisory Examiner in the case, the undersigned was informed that the Office Action dated April 8, 2003, had been mailed to the law firm of Rosenthal & Osha. The undersigned immediately requested a facsimile copy of the Office Action from the Supervisory Examiner. The Supervisory Examiner requested a new Revocation and Grant of New Power of Attorney in the case. A new Revocation and Grant of New Power of Attorney was filed on July 16, 2003. The new Revocation and Grant of New Power of Attorney repeated the instruction to change the correspondence address to the address associated with customer number 22928. A facsimile of the Office Action dated April 8, 2003, was subsequently received at Coming Incorporated on July 18, 2003.

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The applicants are entitled under MPEP §710.06 to have the mailing date of the Office Action reset to July 18, 2003, because (1) a Change of Correspondence Address was properly filed in the case on November 9, 2001, (2) the Office Action dated April 8, 2003, was mailed to the law firm of Rosenthal & Osha instead of the correspondence address indicated in the Change of Correspondence filed on November 9, 2001, and (3) the three-month statutory shortened period for reply had elapsed by the time the Office Action was received at the correct correspondence address on July 18, 2003.

Please charge the required petition fee to Deposit Account No. 03-3325.

Respectfully submitted,

Date: 7/29, 2003

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